

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESS**

DATE RECEIVED  
JUN 22 2007  
LAW DEPARTMENT

ELAINE DIGREGORIO,

Plaintiff,

--against--

WHIRLPOOL CORPORATION,

Defendant.

Index No.

**2007**

2878

**SUMMONS**

Basis of venue is plaintiff's residence.

Date of filing:

CLERK'S OFFICE  
RECEIVED  
2007 MAY 15 AM 10:14  
DUTCHESS COUNTY

**TO THE ABOVE-NAMED DEFENDANT(S):**

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, and to serve a copy of your answer, or, if the Complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner.

In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Plaintiff Elaine DiGregorio resides at 82 South Remsen Avenue, Wappingers Falls, Dutchess County, New York.

Date: May 9, 2007

Respectfully submitted,

By:

  
Rafael Vergara

White and Williams LLP  
One Penn Plaza, Suite 1801  
New York, NY 10119  
Phone: (212) 244-9500

*Attorneys for plaintiff Elaine DiGregorio*

**Last known address of defendant:**

Whirlpool Corporation  
2000 N. M-63  
Benton Harbor, MI 49022-2692

NOTICE OF RESULTS  
 PLEASE take notice that the within is a certified true copy of a duly entered in the office of the clerk of the within named court on

Dated \_\_\_\_\_  
 Yours, etc. \_\_\_\_\_

LAW OFFICE OF  
WHITE AND WILLIAMS LLP  
 Attorney for \_\_\_\_\_

Office and Post Office Address:  
ONE PENN PLAZA  
EIGHTEENTH FLOOR, SUITE 1801  
NEW YORK, NEW YORK 10119

TO \_\_\_\_\_  
 Attorney(s) for \_\_\_\_\_

NOTICE OF SETTLEMENT  
 PLEASE take notice that in order

of which the within is due to be presented for settlement to the Honorable Judge of the within named Court

at \_\_\_\_\_  
 on \_\_\_\_\_  
 at \_\_\_\_\_  
 Dated \_\_\_\_\_  
 Yours, etc. \_\_\_\_\_

LAW OFFICE OF  
WHITE AND WILLIAMS LLP  
 Attorney(s) for \_\_\_\_\_

Office and Post Office Address:  
ONE PENN  
EIGHTEENTH FLOOR, SUITE 1801  
NEW YORK, NEW YORK 10119

TO \_\_\_\_\_

NYCDMS 21646v1

INDEX NO.  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DELAWARE

ELIANE DIGREGORIO

Plaintiff,

—against—

WHIRLPOOL CORPORATION

Defendant.

SUMMONS

Seignior (Rule 130.1-14)

Part named herein James William Pitt

LAW OFFICE OF  
WHITE AND WILLIAMS LLP  
Attorney(s) for DEFENDANT

Office and Post Office Address:  
ONE PENN PLAZA  
EIGHTEENTH FLOOR, SUITE 1801  
NEW YORK, NEW YORK 10119  
(212) 344-5500

TO \_\_\_\_\_

Attorney(s) for \_\_\_\_\_  
 Separate a copy of the within is hereby admitted  
 Dated \_\_\_\_\_

Attorneys for \_\_\_\_\_

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF DUTCHESS**

ELAINE DIGREGORIO,	)	Index No.
	)	
Plaintiff,	)	
	)	
--against--	)	COMPLAINT
	)	
WHIRLPOOL CORPORATION,	)	
	)	
Defendant.	)	

**2007**  
3628

2007 MAY 15 AM 10:14  
DUTCHESS COUNTY  
CLERK'S OFFICE  
RECEIVED

Plaintiff Elaine DiGregorio ("DiGregorio"), by and through her attorneys, White and Williams LLP, complains and demands judgment against Defendant, Whirlpool Corporation ("Whirlpool"), as follows:

**PARTIES**

1. Elaine DiGregorio is an adult individual who resides at 82 South Remsen Avenue Wappingers Falls, Dutchess County, New York.
2. Upon information and belief, Whirlpool is a corporation organized and existing under the laws of the state of Delaware with a principal place of business located at 2000 N. M-63, Benton Harbor, MI 49002-2692. Whirlpool manufactures, markets, and/or distributes consumer appliances.

**JURISDICTION AND VENUE**

3. Venue is proper in the County of Dutchess, State of New York, under C.P.L.R. § 503(A) because plaintiff is a resident of Dutchess County. Furthermore, the acts and omissions alleged in this Complaint took place in the County of Dutchess.



**FACTS**

4. On March 31, 2006, DiGregorio owned a single family home at 82 South Remsen Avenue, Wappingers Falls, N.Y., 12590.

5. On March 31, 2006, the DiGregorio home was severely damaged by fire and was rendered uninhabitable for a period of time.

6. The fire originated in a dehumidifier manufactured by Whirlpool.

7. The fire was caused by an electrical connection inside the dehumidifier which overheated during normal use and operation.

8. Damages caused by the fire totaled \$210,160.00, including cost to repair the structure, cost to repair or replace personal property, and additional living expenses incurred while the home was uninhabitable.

**FIRST CAUSE OF ACTION**

**STRICT PRODUCT LIABILITY**

9. Plaintiff incorporates the allegations set forth in all preceding paragraphs as if set forth at length herein.

10. Whirlpool is in the business of manufacturing and distributing consumer appliances.

11. Whirlpool manufactured and distributed the dehumidifier which caused the March 31, 2006 fire at the DiGregorio home.

12. The dehumidifier, either by design or manufacture, was defective because it was not fit for its intended purpose and was unreasonably dangerous.

13. The dehumidifier was not altered at any time after it left Whirlpool's control.

14. As a direct and proximate result of the defective dehumidifier, DiGregorio suffered the damages described above.

WHEREFORE, Elaine DiGregorio demands judgment in her favor and against defendant Whirlpool for compensatory damages in the amount of \$210,160.00 and for interest, costs, attorneys' fees, and such other relief as the court deems just and proper.

## **SECOND CAUSE OF ACTION**

### **NEGLIGENCE**

15. Plaintiff incorporates the allegations set forth in the preceding paragraphs as if set forth at length herein.

16. Whirlpool had a duty to take reasonable care to ensure that its dehumidifier was fit for its intended use and did not create an unreasonable risk of harm.


17. Whirlpool failed to take reasonable care to ensure that its dehumidifier was fit for its intended use and did not create an unreasonable risk of harm.

18. As a direct and proximate result of Whirlpool's acts and omissions, DiGregorio suffered the damages described above.

WHEREFORE, Elaine DiGregorio demands judgment in her favor and against defendant Whirlpool for compensatory damages in the amount of \$210,160.00 and for interest, costs, attorneys' fees, and such other relief as the court deems just and proper.

Date: May 9, 2007

Respectfully submitted,

By:   
Rafael Vergara  
White and Williams LLP  
One Penn Plaza, Suite 1801  
New York, NY 10119  
Phone: (212) 244-9500  
Fax: (212) 631-4436  
*Attorney for plaintiff Elaine DiGregorio*